

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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Jernee Kollock-Mann  
133 W. Clayton Ave  
Clayton, NJ 08312

Plaintiff,

v.

Robin Morante, et al.  
Individually as Investigator for the Camden  
County Prosecutor's Office  
25 North Fifth Street  
Camden, NJ 08102

Defendants.

CIVIL ACTION NO.: 15-4708

**JURY TRIAL DEMANDED**

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**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2018, upon consideration of Plaintiff's Amended Unopposed Motion for Leave of Court to File Documents Under Seal Pursuant to Fed.R.Civ.P. 5.2(d), and any response thereto, it is hereby **ORDERED** and **DECREED** that said Motion is **GRANTED**.

Plaintiff may file as exhibits to her Response to Motion for Summary Judgment any Confidential Information under seal, and the Clerk is hereby **DIRECTED** to accept and maintain such filings under seal.

**BY THE COURT:**

\_\_\_\_\_  
Noel L. Hillman, J.

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**PLAINTIFF'S AMENDED UNOPPOSED MOTION FOR LEAVE OF  
COURT TO FILE DOCUMENTS UNDER SEAL PURSUANT TO  
FED.R.CIV.P. 5.2(d)**

Plaintiff, Jernee Kollock-Mann, by and through her undersigned counsel, hereby files this Unopposed Motion for Leave of Court to File Documents Under Seal Pursuant to Fed.R.Civ.P. 5.2(d), and in support thereof avers as follows:

1. Plaintiff, Jernee Kollock-Mann, ("Plaintiff"), initiated suit against Defendants alleging various civil rights violations. (ECF 1, Complaint).

2. On August 15, 2017, the parties, through their respective counsel executed a Confidentiality Agreement, whereby the Parties sought to limit the production of certain sensitive documents and material marked "CONFIDENTIAL" by any party producing the same through the course of discovery. (ECF 59).

3. Defendants subsequently filed a Motion for Summary Judgment. Plaintiff filed a response to Defendants' Motion for Summary Judgment.

4. In order to adequately respond to summary judgment, Plaintiff must also attach as exhibits certain Confidential Information produced by public and private agencies/entities during the course of discovery and/or in response to subpoena.

5. These exhibits contain privileged and sensitive information – including with respect to minor children.

6. Redaction of the personal data identifiers from the documents as required by Local Rule 5.2(d) alone will not adequately protect the confidentiality of the minor or Plaintiff as the documents pertain to the culmination of a suspected child abuse investigation, which forms the basis of Plaintiff's claim against Defendants.

7. Federal Rule of Civil Procedure 56(d) permits the Court to enter an order that a filing, or parts of a filing, be made under seal. Fed.R.Civ.P. 56(d).

8. Pursuant to Local Rule of Civil Procedure 5.8, a party seeking to file any document under seal must obtain prior leave of Court by filing a motion for leave to file under seal. *See* L.R. 5.8.

9. Accordingly, Plaintiff respectfully seeks an Order permitting her to file documents described as Confidential Information under seal.

10. Although it is well-settled among courts within the Third Circuit that there exists a common law right to public access to judicial proceedings and records, courts also have recognized the principle that the “right is not absolute.” *See, e.g., Littlejohn v. BIC Corp.*, 851 F.2d 673, 678 (3d Cir. 1998) (*quoting Nixon v. Warner Communications, Inc.*, 435 U.S. 589 (1978)); *Leucida, Inc. v. Applied Extrusion Technologies, Inc.*, 998 F.2d 157, 165 (3d Cir. 1993); *Publicker Indus., Inc. v. Cohen*, 733 F.2d 1059, 1071 (3d Cir. 1984).

11. If, at any stage of the litigation a party seeks to file a document or motion under

seal, it must apply to the court for an order of confidentiality. *See generally Pansy v. Borough of Stroudsburg*, 23 F.3d 772, 785-87 (3d Cir. 1994).

12. Filing Confidential Information under seal will not prejudice any party and will protect the confidentiality of third parties, the minor's interests, Plaintiff's confidentiality, and the interests of justice in this case.

13. The undersigned counsel has conferred with Defendant's counsel regarding the necessity to file documents described as Confidential Information under seal at the beginning of this litigation and Defendant's counsel does not oppose the relief request in the instant Motion.

14. The attached index addresses the documents Plaintiff requests to be sealed under Local Rule 5.3(c)(3)(a)-(h).<sup>1</sup>

**WHEREFORE**, Plaintiff respectfully requests that this Honorable Court grant her Unopposed Motion for Leave of Court to File Documents Under Seal, and enter an Order, in the form of the attached Proposed Order.

**WEISBERG LAW**

/s/ Matthew B. Weisberg  
Matthew B. Weisberg, Esquire  
David A. Berlin, Esquire  
*Attorneys for Plaintiff*

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<sup>1</sup> Plaintiff's counsel has contacted opposing counsel to obtain Defendants' summary judgment exhibits and an itemization of privacy interests for its documents. Plaintiff will supplement the index shortly upon receipt of that information from Defendants.

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**CERTIFICATE OF CONCURRENCE**

I, Matthew B. Weisberg, Esquire, hereby certify that Defendant's counsel concurs with the relief requested in Plaintiff's Motion for Leave of Court to File Documents Under Seal Pursuant to Fed.R.Civ.P. 5.2(d).

**WEISBERG LAW**

/s/ Matthew B. Weisberg  
Matthew B. Weisberg, Esquire  
David A. Berlin, Esquire  
*Attorneys for Plaintiff*

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**CERTIFICATE OF SERVICE**

I, Matthew B. Weisberg, Esquire, hereby certify that on this 24<sup>th</sup> day of December, 2018,  
a true and correct copy of the foregoing Plaintiff's Amended Unopposed Motion for Leave of  
Court to File Documents Under Seal was served via ECF upon the following parties:

Robert J. McGuire, Esq.  
State of New Jersey  
Office of the Attorney General  
Division of Law  
25 Market Street – 7<sup>th</sup> Floor West Wing  
P.O. Box 116  
Trenton, NJ 08625

**WEISBERG LAW**

/s/ Matthew B. Weisberg  
Matthew B. Weisberg, Esq.  
*Attorney for Plaintiff*